

REMARKS/ARGUMENTS

Claims 2 and 4-7 are deleted and Claims 8-12 are added. The Claims are now 1, 3, and 8 to 10.

Claim 1 is amended to remove the criticized recitation "in the above of added liquid".

The added requirement that the bread crumbs contain water in the amount of 15-60 wt.% finds basis at page 5 of the specification, the sentence beginning at line 9. The adherence ratio of the powdery starch and/or powdery protein of 10-60 parts by weight per 100 of the fresh break crumbs finds basis in the first sentence in the paragraph at page 7, line 12, referring to the "functional mixture" of powder starch and/or powdery protein, with or without powdery sugar, as defined at page 7, lines 2-5.

Claim 3 is amended to recite the addition of 20-80 parts by powdery sugar, per 100 of powdery starch and protein, please see page 7, the sentence at line 5 from the bottom of the page. The lower limit of 20 comes from the disclosed 20-50 range and the upper limit of 80 from the 2-80 parts range disclosed.

The adherence ratio specified is disclosed as discussed above.

New Claim 8, reciting the average fresh bread crumb particle size, finds basis in the sentence starting at page 5, line 11, that of the components of the functional mixture recited in Claims 9 and 10, at page 5, lines 18 and 20.

New Claim 11 specifies that the water content of the functional bread crumbs prepared by drying is 2-20 wt.% and finds basis at page 8, the sentence at line 11.

New Claim 12 specifies that in the functional bread crumbs there is adhered 14-86 parts by weight of the functional mixture per 100 parts of the bread crumbs, which in the functional bread crumbs as produced are in fact dried. Basis appears in the last sentence in the paragraph at page 8, line 5.

THE TECHNOLOGY

The following quotation from the subject specification in the paragraph bridging pages 4 and 5 defines "bread crumbs" and "fresh bread crumbs". The underlining is supplied.

In general, the term "bread crumbs" refers to dried bread crumbs. Dried bread crumbs are produced through, for example, the following process: flour, yeast, sugar, lard, etc. are mixed together, and the resultant mixture is fermented by means of, for example, a straight dough method, followed by baking at low temperature, cooling, pulverization, and drying. As used herein, the expression "fresh bread crumbs" refers to bread crumbs obtained before drying, which is the final step of the aforementioned process for producing dried bread crumbs. Such fresh bread crumbs contain water usually in an amount of 15-60 wt.%, preferably 25-50 wt.%.

The following quotations from the application at page 7, lines 2-4 and at page 8, lines 4-6 define "functional mixture" and "functional bread crumbs", underlining supplied.

...hereinafter, a mixture obtained through uniform mixing of powdery starch and/or powdery protein, and, if desired, powdery sugar will be referred to as a "functional mixture".

Subsequently, fresh bread crumbs to which a functional mixture adheres are dried, to thereby produce the functional bread crumbs of the present invention.

THE REJECTION

The rejection of Claims 1-7 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, is now moot in view of the deletion of the language "in the absence of added liquid" and "free of added liquid" from the claims by the present amendment.

The rejection of Claims 6-7 under 35 U.S.C. §102(b) as being anticipated by Coleman et al. is also now moot in view of the deletion of these claims.

Reconsideration and withdrawal of retained Claims 1 and 3, as here amended, under 35 U.S.C. §103(a) as being unpatentable over Rispoli et al. in view of Bernachi et al., are requested.

Rispoli et al. nowhere teach applying the functional powder components here specified to fresh bread crumbs, particularly that having the recited water content.

The Official Action states:

While Rispoli et al teach different methods of coating the protein, starch and sugar onto the crumbs, they also disclose other means may be employed so long as the adhesive is applied and adhered to the crumbs and the resulting crumb composition is dried (see col. 3 lines 50-60).

The above does not address the fact that by the use of the term "bread crumbs", Rispoli actually intends dried bread crumbs. Their problem is different because of that. This is evident from the Rispoli's Examples and the following quotation from the paragraph at col. 3, line 17 of Rispoli et al.

Without the adhesive adhering to the surface of the bread crumbs, the bread crumbs, due to their relatively large particle size would not uniformly coat and adhere to the surface of the comestible when the moistened comestible is coated with the bread crumb composition and cooked. If the adhesive is simply dry mixed with bread crumbs of the critical particle size of this invention without having been applied to and adhering to the surface of bread crumbs, then upon coating a moistened comestible with this mixture and cooking the coated comestible, the resultant coating would be nonuniform, with a substantial amount of the crumbs falling off during coating, handling and cooking.

Hence, any modification of the Rispoli et al. disclosure will not lead to Applicants' invention.

Moreover, the following assertion in the Official Action, in Applicants' view, is contradicted by the above quotation, namely the assertion that it

would have been obvious to use dried ingredients if one wants to shorten the drying time.

Bernachi et al.'s teachings are limited to a particular and special crumb, namely one made from a special bread incorporating a heat set protein. Rispoli et al.'s patent issued long before the Bernachi et al. filing date. There is no evidence that the art would consider the Bernachi et al. techniques applicable to the bread crumbs of Rispoli et al. made from conventional bread doughs.

Moreover, Bernachi et al. teach that they apply a protein dispersion to wet crumbs (col. 7, lines 23-26) as pointed out in the Official Action. By "wet crumb", Bernachi et al. mean crumbs to which water or other liquid has been applied, i.e., wetted crumbs, as in the wet-sizing step shown in Fig. 1 and referred to at col. 2, lines 33-62. Fresh bread crumbs are not such "wet crumbs."

Accordingly, a combination of Bernachi et al. with Rispoli et al. does not lead to Applicants' claimed invention.

In the Bernachi et al. procedure, it appears that added liquid is necessarily required in the crumb coating step, the paragraph at col. 7, line 23. This is not the application of powdered materials to fresh bread crumbs. The Bernachi et al. teachings employed in the Rispoli et al. procedure do not result in Applicants' claimed process.

In summary, Applicants point out that the process of the present invention is carried out by using fresh bread crumbs containing water in an amount of 15-60 wt.% as an ingredient. This represents the most characteristic feature of the present invention. The presently recited fresh bread crumbs containing water are usually obtained by mincing white bread, not dried. These crumbs inherently contain such an amount of water, so the powdery starch and/or powdery protein have no need to be liquefied when mixed with the crumbs and therefore can be used in a form of powder. Thus a large amount of the powdery starch and/or powdery protein can readily adhere to the bread crumbs, when dried. These results are clearly described in the present specification (see Tables 1, 2 and 3).

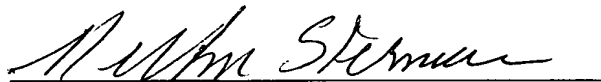
The new claims, being further removed from the prior art, are urged to be allowable for similar reasons.

The presently claimed process is not only not suggested by the prior art, it additionally has advantages. The prepared functional bread crumbs can readily adhere to a food ingredient (e.g., meat) in a sufficient amount even when applied directly thereto, and provide a juicy texture. And the present crumbs provide food ingredients with an appropriate color, a crispy texture with tenderness and a favorable flavor when the ingredient coated therewith is deep-fried in oil. Moreover, the present crumbs can be prepared conveniently by use of fresh bread crumbs containing water in an amount of 15-60 wt.% and a certain amount of the powdery starch and/or powdery protein without a troublesome procedure including *uchiko* (sentence bridging pages 1 and 2) and dipping in beaten egg. All this is shown in the Examples, please note the discussion at page 11, the paragraph at line 2, page 12, the paragraph at line 15, page 15, the paragraph at line 9, page 18, the paragraphs at lines 9 and 17, and page 4, the paragraph at line 2.

Favorable consideration is solicited.

Respectfully submitted,

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